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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,001	08/15/2000	Toshiyuki Toyofuku	97049/7D/Lh	1630

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EXAMINER	
AGGARWAL, YOGESH K	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/639,001	TOYOFUKU ET AL.	
	Examiner	Art Unit	
	Yogesh K Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12,13,15,17 and 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12,13,15,17 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 August 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Applicant is advised that should claim 17 be found allowable, claim 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12, 13, 15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al. (US Patent # 6,020,982).

[Claim 12]

Yamauchi et al. teaches an electronic image pickup apparatus (figure 3, element 11), comprising a housing (figure 3, element 100) which houses finder unit (figure 3, element 104), an electronic image pickup unit (figure 9, element 114, col. 11 lines 54-65) and an image display device (figure 3, element 301), and which is provided with an image display device operating member (figure 3, elements 302, 303) being used to operate the image display device (figure 3, element 301), on an outer surface thereof, wherein an eyepiece window of the finder unit (figure 3, element 104), located on a rear surface area (figure 3 shows the rear surface area), in which an

image display screen of image display device is exposed in the outer surface of the housing (See figure 3), the eyepiece window (figure 3, element 104) is also located above image display screen (figure 3, element 301) of the image display device on the rear surface area, the end portion of the housing (figure 7, element 213c), which is located in a right side of the image display screen on the outer surface of the housing is configured to be held by the right hand of a user (col. 10 lines 47-53), and the image display device operating member (figure 3, elements 302, 303) located the right side the image display screen of image display device on the rear surface area such that the image display device operating member is operable by the thumb of the right hand of the user that holds the right end portion of the housing (See figure 3 and 7, it is clear that if the user holds the grip 213c in the right hand the thumb can be used to operate the display operating members 302, 303).

[Claim 13]

Yamauchi et al. teaches that the eyepiece window of the finder unit (figure 3, element 104), located vicinity of an upper end of the surface area, and the image display device operating member also located vicinity the upper end of the rear surface area (See figure 3, elements 104 and 301 are located vicinity of an upper end of the rear surface area).

[Claim 15]

Yamaguchi teaches an electronic flash (figure 2, element 102) which is housed the housing (figure 2, element 100), and which emits light, and wherein the housing further comprises an electronic flash window which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window arranged at an upper portion front surface area in the outer surface of the housing (See figure 2 col. 10 lines 3-4).

[Claim 17]

Yamaguchi teaches a signal terminal (figure 14, element 123) which is used to output an image signal generated by the electronic image pickup unit and which is arranged a side end area of another end portion of the housing located in a left side of the image display screen on the outer surface of the housing (col. 12 line 60-col. 13 line 10).

[Claim 18]

Grounds for rejecting claim 17 apply for claim 18 entirely.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

i. Ishii et al. (US Patent # 4,742,369) discloses (figures 1 and 2) an electronic and film camera with a display and display operating members on the right side of the display.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
December 2, 2004

TUAN HO
PRIMARY EXAMINER